

### **REMARKS**

Reconsideration of the application is respectfully requested in view of the amendments and the discussion presented below. The amendments are supported by the application as filed and no new matter has been added by any of the amendments.

Claims 1, 2, 4-9, and 11-16 are amended, as described further below.

Claims 15 and 16 are now independent claims. This application now has four independent claims. Payment for a fourth independent claim is enclosed.

Claims 3, 10, 17, and 18 are cancelled without prejudice.

The specification and title have been amended as described below.

Claims 1, 2, 4-9, and 11-16 are now present in this application.

### **Discussion**

#### **1. Priority Claim**

The Examiner is thanked for noting the receipt of the priority documents and placing them in the file.

#### **2. Specification**

The Examiner is thanked for noting minor errors in the specification. The errors noted by the Examiner have been corrected by appropriate amendments to the specification.

#### **3. Claim Objections**

The Examiner is thanked for pointing out certain informalities in the claims. The claims have been amended to overcome the objections.

Thus, the limitations of former claims 1, 3, and 17 have been added to claim 15 so that claim 15 is independent. Claim 17 has been cancelled.

In addition, the limitations of former claims 8, 10, and 18 have been added to claim 16 so that claim 16 is independent. Claim 18 has been cancelled.

The objection to claims 15-18 (the Examiner incorrectly stated "claims 15-19") under 37 C.F.R. § 1.75(c) is therefore overcome.

The objection to claims 1-18 because of certain informalities have been overcome by making the amendments suggested by the Examiner except with respect to claims 1 and 8 in which the Applicants prefer to use, as being more accurate, the word "when" rather than "wherein" in the limitation "when the holding device is driven by the driving device in a holding direction in which the recording medium is to be held" (claim 1) and "when the holding device is driven by the driving device in a hold-releasing direction in which the recording medium is to be released from a held state thereof" (claim 8).

Also, a comma is replaced by a semicolon in claims 1 and 8 at the end of the "driving device" limitation, for the sake of consistency.

It should be noted that the limitations of claim 3 have been added to both claims 1 and 15 and the limitations of claim 10 have been added to both claims 8 and 16, respectively. Furthermore, the limitations of claim 1 have been added to claim 15 and the limitations of claim 8 have been added to claim 16. The amendments suggested by the Examiner for claims 1, 3, 8, and 10 therefore are found in claims 1, 8, 15, and 16.

#### **4. Double Patenting**

The Examiner pointed out a potential double patenting issue with respect to claims 15-18. Claims 15 and 16 have been amended as noted above and claims 17 and 18

cancelled without prejudice. For at least this reason no double patenting issue is believed to exist.

Furthermore, it should be pointed out that claims 17 and 18 referred to a recording mechanism whereas claims 15 and 16 referred to a reproducing mechanism. A recording mechanism sets down information in a medium for later reproduction or examination. *See* specification at page 20, lines 13-17.

A reproducing mechanism uses the information from the recording in the medium to reproduce the information. *See* specification at page 6, lines 29-32. While a device may be equipped to provide both functions, this is not always the case. A device may be equipped to reproduce information such as music but cannot record it. As currently amended, however, claims 15 and 16 are directed to a recording and reproducing mechanism.

## **5. Claim Rejections**

The Examiner rejected claims 1, 2, 6-9, and 13-18 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,907,611 to Konno, et al. ("Konno"). The Examiner stated that claims 3-5 and 10-12 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended to include the limitations of claim 3. Claim 8 has been amended to include the limitations of claim 10. (Claims 3 and 10 have been cancelled without prejudice.)

Claims 1 and 8 are therefore believed to be allowable for at least this reason.

Claims 2, 6, and 7 depend from claim 1 directly or indirectly and are therefore allowable for at least this reason. Claims 9, 13, and 14 depend from claim 8 directly or indirectly and are therefore allowable for at least this reason. Claim 15 is amended to

include the limitations of claims 1 and 3 and is therefore allowable for at least this reason. Claim 16 is amended to include the limitations of claims 8 and 10 and is therefore allowable for at least this reason. Claims 17 and 18 are cancelled without prejudice.

It is submitted that the rejection of claims 1, 2, 6-9, and 13-16 should be withdrawn.

### **Conclusion**

In view of the above, the Applicants submit that the application is now in condition for allowance and respectfully urges the Examiner to pass this case to issue. The Examiner is respectfully invited to telephone the undersigned attorney as needed in order to advance the examination of this application.

\* \* \*

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR § 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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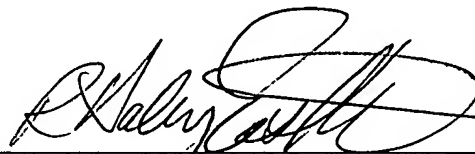
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September 18, 2006

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Respectfully submitted,



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